

## CITY COMMISSION MINUTES

April 21, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, April 21, 2009 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager, Rod Barnes, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person.)*

None.

### CONSENT AGENDA

Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **April 7, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated April 2 to April 15, 2009 in the amount of \$381,770.82
- c. Monthly Reports:
  1. Rolling Meadows Report
  2. Fire Department Report
  3. Personnel Report
  4. Police Report
  5. Recreation Report
- d. The consideration and approval of **Chestnut Street – Westar Final Bill** in the amount of \$79,102.53 for the replacement and relocating of two structures for the widening of Chestnut Street. **(TABLED UNTIL MAY 5, 2009.)**
- e. The consideration and approval for **rent payment** in the amount of \$1,779.35 to Union Pacific Railroad Company for the private roadway crossing at the Southwest Wastewater Treatment Plant.
- f. The consideration and approval to **add 6<sup>th</sup> & Franklin to the 2009 Transportation Revolving Loan Fund** for 2009 in the amount of \$65,260.00.
- g. The consideration and approval of a request to **close the East side of the 100 block of West 7<sup>th</sup> Street on Thursday, May 21, 2009 from 3:00-8:00 p.m.** for the Chambers After-Hours Block Party.

- h. The consideration and approval of **Pay Estimate #20**, in the amount of \$15,419.63, by BG Consultants for Construction Management services through March 31, 2009, for the Rucker Road – US-77 to Whitney project.
- i. The consideration and approval of **Pay Estimate #8** in the amount of \$11,051.50, by Kaw Valley Engineering, Inc. for Construction Management through March 26, 2009 on the Spring Valley Road – McFarland Rd to Wildcat Lane project.
- j. The consideration and approval to make **application to the Target Grant** in the amount of \$3,200.00. The grant monies will be used to fund the Summer Concert Series.

## **APPOINTMENTS**

- a. The consideration and appointment of **Michael Lentz to replace Sam Robinson** who has resigned from the Junction City Housing Authority Board. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the appointment of Michael Lentz to replace Sam Robinson on the Junction City Housing Authority Board. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of the appointment of **Lorraine Walker to the Library Board** for a term of four years ending April 30, 2013. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the appointment of Lorraine Walker to the Library Board for a four year term ending April 30, 2013. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of the appointment of **Cecelia Scaler to the Library Board** for a term of four years ending April 30, 2013. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the appointment of Cecelia Scaler to the Library Board for a four year term ending April 30, 2013. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **SPECIAL PRESENTATIONS**

- a. Veolia Water would like the **Arbor Day Proclamation** to be read at the City Commission Meeting to start the celebration of Arbor Day which is celebrated this April 24, 2009. Mayor Wunder read the Arbor Day Proclamation and presented it to Micheline Fields of the Tree and Flower Board. Ms. Fields stated that Junction City was recently named Tree City USA for the 33<sup>rd</sup> year in a row and that everyone should be very proud!
- b. DS&O Rural Electric Cooperative would like to update the City on operations. Don Helwig with DS&O Rural Electric Cooperative stated that DS&O supplies electricity to the northwest part of Junction City. They have added electricity to eleven subdivisions and several apartment complexes in the past four years including the new middle school. DS&O has expanded by approximately \$4 million and they have added approximately 500 additional customers. The December 2007 ice storm cause quite a bit of damage. They had almost 7,800 customers without power due to the ice storm and had crews as far away as Illinois and Louisiana assist them. Mr. Helwig stated that they are eligible for FEMA funding just as municipalities. The FEMA funding will allow for the replacement of approximately 15 percent of their system. DS&O has 33 months to complete the work or they will lose the FEMA monies. Mr. Helwig stated that by virtue of Rolling Meadows Golf Course and some of the City's lift stations, the City is a member of DS&O. Commissioner Heldstab inquired if there was a payment drop off in Junction city. Mr. Helwig informed the Commission that DS&O has an office set up in Junction City where residents can make payments and sign up for service.

They also have an electronic sign up. Mr. Helwig stated that DS&O looks forward to a long relationship with the City of Junction City.

- c. Assistant City Manager, Mike Guinn, provided the Commission with an update on condemned properties.

## UNFINISHED BUSINESS

- a. The consideration and approval of **Ordinance S-3057** an ordinance authorizing and providing for the issuance of General Obligation Bonds, series DU and General Obligation water and sewer system refunding bonds, series DV, of the City of Junction City, Kansas; making certain covenants and agreements to provide for the payment and security thereof; providing, if necessary for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto **(Final Reading)**. David Arteberry with George K. Baum, informed the Commission that he is very pleased with the rating that the City received from Standard & Poor's (A-). This rating helped to decrease the cost of obtaining bond insurance. Mr. Arteberry also stated that he was please with the results of the sale. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Ordinance S-3057 authorizing and providing for the issuance of General Obligation Bonds, Series DU and General Obligation water and sewer system refunding bonds, Series DV, of the City of Junction City, Kansas; making certain covenants and agreements to provide for the payment and security thereof; providing, if necessary for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one. Commissioner Taylor stated that he has opposed many of these projects from the beginning and continues to oppose them.
- b. The consideration and approval of **Resolution R-2554** a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$38,000,000\* principal amount of general obligation bonds, series DU, of the City of Junction City, Kansas, previously authorized by Ordinance No. S-3057 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Resolution R-2554 prescribing the form and details of and authorizing and directing the sale and delivery of \$34,280,000 principal amount of general obligation bonds, Series DU, of the City of Junction City, Kansas, previously authorized by Ordinance S-3057 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.
- c. The consideration and approval of **Resolution R-2555** a resolution prescribing the form and details of and authorizing and directing the sale and delivery of \$6,500,000\* principal amount of general obligation water and sewer system refunding bonds, series DV, of the City of Junction City, Kansas, previously authorized by Ordinance No. S-3057 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Resolution R-2555 prescribing the form and details of and authorizing and directing the sale and delivery of \$5,765,000 principal amount of general obligation water and sewer system refunding bonds,

series DV, of the City of Junction City, Kansas, previously authorized by Ordinance No. S-3057 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- c1. The consideration and approval of **Resolution R-2559** a resolution authorizing and directing the issuance, sale and delivery of general obligation temporary notes, series 2009-B and taxable general obligation temporary notes, series 2009-C, of The City of Junction City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Resolution R-2559 authorizing and directing the issuance, sale and delivery of general obligation temporary notes, series 2009-B in the amount of \$28,025,000 and taxable general obligation temporary notes, series 2009-C in the amount of \$2,910,000, of The City of Junction City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Ayes: Heldstab, Rhodes, Wunder. Nays: Taylor. Abstention: Talley. Motion carried three to one with one abstention. Commissioner Talley stated that he abstained due to Central National Bank's involvement in this matter.
- d. The consideration and approval of **Ordinance G-1048** an Ordinance establishing storm drainage fees, by adding a new section 456.080, entitled "Storm Drainage Fee" to Chapter 456, Title IV The Code of Ordinances of the City of Junction City, Kansas (**Final Reading**). City Engineer, Christina Cook, informed the Commission that the fees will be put into a fund that will fund the EPA mandated items for compliance, education, implementation, etc. Fees will be assessed to all properties not just the metered properties. The City Attorney has reviewed the Ordinance. Ms. Cook outlined the fees:

Residential - \$5.00 per month; additional meters on the same property is \$3.00 per month

Area of Other Developed Property	Monthly Fee
Less than or equal to 20,000 square feet	\$15.00
From 20,001 to 100,000 square feet	\$32.00
From 100,001 to 200,000 square feet	\$49.00
From 200,001 to 400,000 square feet	\$66.00
From 400,001 to 1,000,000 square feet	\$83.00
From 1,000,001 and above square feet	\$100.00

Area of Other Undeveloped Property	Monthly Fee
Less than or equal to 20,000 square feet	\$4.00
From 20,001 to 100,000 square feet	\$8.00
From 100,001 to 200,000 square feet	\$12.00
From 200,001 to 400,000 square feet	\$16.50
From 400,001 to 1,000,000 square feet	\$21.00
From 1,000,001 and above square feet	\$25.00

Ms. Cook stated that the City is currently in compliance as required by the EPA. City Manager, Rod Barnes, stated that the City Commission will budget for this each year and the Commission can modify the fees each year if they choose. Ms. Cook stated that if the City is not in compliance as required by the EPA, the City will loose their rights to discharge into the rivers and will be fined as well. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance G-1048 establishing storm drainage fees by adding section 456.080 entitled "Storm Drainage Fee" to Chapter 456, Title IV The Code of Ordinance of the City of Junction City, Kansas (Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- e. The consideration and approval of **Ordinance S-3056** annexing the land known as Elmdale Road (**Final Reading**). City Engineer, Christina Cook, informed the Commission that this annexation is the road only; no other properties are involved. Commissioner Talley stated that he does not see the necessity of annexing a road to square the boundaries of the City. Commissioner Taylor stated that he was also opposed to this annexation. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3056 annexing the land known as Elmdale Road (Final Reading). Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two.
- f. The consideration and approval to acquire police cruisers from Jim Clark Chevrolet. Police Chief Bob Story informed the Commission that while working with GSA to purchase the police cruisers, it was discovered that GSA will not allow the City to carry GSA as a lien holder for the police vehicles. Chief Story stated that the bid from Jim Clark Chevrolet is in the amount of \$26,294 for each vehicle for a total of \$157,764 for all six vehicles. It will take six to eight weeks for delivery. The trade-in allowance for five of the vehicles is \$3,700. The vehicles will be sold in a future auction. These vehicles will have a 100,000 mile warranty instead of a 50,000 mile warranty. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the acquisition of police cruiser from Jim Clark Chevrolet. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## NEW BUSINESS

- a. Election of Mayor. Mayor Wunder turned the gavel over to City Manager Rod Barnes for the nominations for the office of Mayor. Commissioner Johnson nominated Commissioner Taylor for Mayor. Commissioner Taylor stated that he was not interested in serving as Mayor at this time. Commissioner Rhodes nominated Commissioner Heldstab for Mayor. The motion was seconded by Commissioner Talley. Ayes: Heldstab, Johnson, Rhodes Talley, Taylor. Nays: None. Motion carried. City Manager Rod Barnes closed the nominations.
- b. Election of Vice Mayor. Mayor Heldstab asked for nominations for the office of Vice-Mayor. Commissioner Talley nominated Commissioner Rhodes for Vice-Mayor. Nomination was seconded by Commissioner Rhodes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- c. Appointment of commissioners to City Boards. Mayor Heldstab recommended the following appointments for City Commission representation to the various City Boards.

1. Health Board	Commissioner Taylor
2. Economic Development Commission	Commissioner Talley
3. Convention and Visitors Bureau	Commissioner Rhodes
4. Animal Shelter	Commissioner Johnson
5. Military Affairs	Mayor Heldstab

d. Commission appointment of official City Newspaper (Daily Union). Commissioner Rhodes moved, seconded by Commissioner Talley to appoint the Junction City Daily Union as the official City Newspaper. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

e. Designation of area of representation: Northwest, Northeast, Southwest, and Southeast. Mayor Heldstab assigned the following City Commissioners to their area of representation:

Commissioner Talley	Northwest
Commissioner Taylor	Northeast
Commissioner Rhodes	Southwest
Commissioner Johnson	Southeast

f. The consideration and approval of **Ordinance G-1049** an ordinance establishing a guideline for the allowance of barb wire fence within the city limits of Junction City by replacing Section 220.850 of title II The Code of Ordinances of the City of Junction City, Kansas (**First Reading**). City Engineer, Christina Cook, stated that barb wire fence is not allowed in City limits. Through the recent annexations, some residences have barb wire fence. This ordinance allows for those properties recently annexed to be grandfathered and they can keep the existing barb wire fence. The grandfather clause will end when the land usage changes. The ordinance allows barb wire fence for those properties with more than 50 acres and the land is used for agricultural purposes. Commissioner Rhodes stated that his concern is for those properties with less than 50 acres that have livestock. Ms. Cook stated that the number of acres can be changed. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve Ordinance G-1049 establishing a guideline for the allowance of barb wire fence within the City limits of Junction City by replacing Section 220.850 of Title II The Code of Ordinances of the City of Junction City, Kansas (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

g. The consideration and approval of **Ordinance G-1050** an ordinance establishing a plan review fee for commercial and industrial building permit applications by adding a new subsection C to section 505.020 of title V The Code of Ordinances of the City of Junction City, Kansas (**First Reading**). Commissioner Johnson moved, seconded by Commissioner Taylor to approve table this item. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

h. The consideration and approval of **Ordinance G-1043** ordinance requiring additional information for permit applications by replacing the existing section 500.060 with the new section 500.060 to title V The Code of Ordinances of the City of Junction City, Kansas (**First Reading**). City Engineer, Christina Cook, stated that letters were sent to more than 300 builders and she presented the ordinance to the Building Trade Boards for their review and input. Ms. Cook stated that City staff worked with the boards to hash out exact wording that met everyone's approval. Ms. Cook presented the Commission with comments she received on this matter. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance G-1043 ordinance requiring additional information for permit applications by replacing the existing section 500.060 with the new section 500.060 to title V The Code of Ordinances of the City of Junction City, Kansas (**First Reading**). Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried three to two.

i. The consideration and approval of **Resolution R-2556** to provide electrical service for forty-one (41) 150W HPS street lights in Olivia Farms Subdivision. (**REMOVED FROM THE AGENDA.**)

- j. The consideration and approval of a **six month extension on Neighborhood Revitalization Application** for American Dream Development for construction on units 79 – 142 Fuller Circle. Retail Specialist, Stacy Schulte, stated that Mr. Jeff Burton has one year to begin construction and another year to complete the project for the Neighborhood Revitalization program. The project was approved June 17, 2008. Ms. Schulte stated that the EDC Board approved the extension with a nine to one vote. Commissioner Talley inquired as to why the project has not started yet. Mr. Burton stated that the project has not started due to financing problems. Commissioner Taylor asked Mr. Burton what guarantee he could provide that the project would begin within that time if the extension was granted. Mr. Burton stated that he believes he will have the financing for this project within the next 90 days. He has secured the construction financing just not the permanent financing. Mr. Burton stated that he has applied to the USDA in April 2008 and that process is finally coming to the end. He is meeting with USDA on April 22<sup>nd</sup>. Commissioner Johnson inquired about the new structure of the Neighborhood Revitalization Program. Ms. Schulte stated that the new program has identified zones within the City and there is a three or five year program. The new program makes the incentive process easier and clarifies the process. Commissioner Johnson stated that he is all for getting structures on the tax rolls as soon as possible. Commissioner Rhodes asked Mr. Burton what his alternate plan will be if he is not granted the financing. Mr. Burton stated that if none of his options work, he doesn't know that he'll do next. He stated that the tax incentive is what is attracting companies to this project. Commissioner Taylor stated that his concern is that the community is over built with townhomes and apartments. He feels we need to get the properties on the tax rolls as soon as possible. Mr. Burton stated that the USDA will provide the permanent financing needed for this project. Commissioner Rhodes moved, seconded by Mayor Heldstab to approve a six month extension on the Neighborhood Revitalization Application for American Dream Development for construction on units 79 – 142 Fuller Circle. Ayes: Heldstab, Rhodes. Nays: Johnson, Talley, Taylor. Motion failed two to three.
- k. The consideration and approval of a **\$100,000 revolving loan fund** at 4% interest to Rusty Wilson, owner of Kites Grill & Bar. **(TABLED UNTIL MAY 5, 2009.)**
- L. The consideration and approval of the **revision to the Golf Course Advisory Bylaws** to eliminate the requirement of residency in Junction City/Geary County to serve on the Golf Course Advisory Committee. Golf Director/Superintendent, John Wimbish, informed the Commission that this action is needed to be in compliance with the requirements by the National Parks Services. The land the golf course is on was donated by the National Parks Services and therefore comes under their requirements due to the donation of land. The Bylaws can not be exclusive to geography or membership. The current bylaws are not in compliance. Mr. Wimbish stated that the current members' terms would be in effect through their expiration dates. Mr. Wimbish stated that the Golf Course Advisory Committee has reviewed the new bylaws and discussed the changes; however, they have not voted on the changes. City Manager, Rod Barnes, stated that this change is required by the National Parks Service and the City has a deadline to submit a report to them which includes sending a copy of the bylaws with the report. Commissioner Johnson and Commissioner Rhodes inquired about the age limit of 18 years or older to serve on the Committee. Mr. Wimbish stated that it was a recommendation and the age limit can be changed or eliminated. Mr. Wimbish stated that the Committee votes on new members and then sends their recommendation to the City Commission for approval; therefore, the Commission could take into consideration the age of the proposed new member. Commissioner Johnson moved, seconded by Commissioner Talley to approve the revision to the Golf Course Advisory Bylaws to eliminate the requirement of residency in Junction City/Geary County to serve on the Golf Course Advisory Committee and to eliminate the

age limit on who can serve on the Golf Course Advisory Committee. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- m. The consideration and approval to **sell the recently replaced ambulance** to Geary County Emergency Management for an agreed upon price of **\$3,000.00**. Fire Chief, Mike Steinfort, stated that the County offered the same amount as the trade-in allowance for the ambulance. The County will utilize the ambulance to carry supplies and equipment to County emergency calls. Commissioner Taylor moved, seconded by Commissioner Johnson to approve to sell the recently replaced ambulance to Geary County Emergency Management for an agreed upon price of \$3,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- n. The consideration and approval of **Resolution R-2557** to adopt an Identity Theft Prevention Program for the City of Junction City. Information Systems Director, Jim Germann, informed the Commission that due to recent legislative changes, any utility company must have a written policy to help prevent identity theft from occurring. The ambulance service and the water service fall under this requirement. Mr. Germann stated that there is no impact to the City budget. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Resolution R-2557 to adopt an Identity Theft Prevention Program for the City of Junction City. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- o. The consideration and approval of **Ordinance G-1051** a request by the Animal Shelter Board to repeal the Pit Bull ordinance and replace it with a "dangerous dog" ordinance" (**First Reading**). Police Chief, Bob Story, stated that he is opposed to changing the language. Chief Story's suggestion was to leave the language as it is and add "dangerous dog" to the current ordinance. He stated that since the ordinance was passed in 1997, the Police Department has experienced a tremendous decrease in encounters with pit bulls. His main concern is the safety of the Police Officers. Chief Story stated that when this ordinance was presented to the entire supervisory Police staff, all of the supervisors were against the ordinance as it is presented. Dr. Mark Stenstrom stated that the current ordinance is unworkable and unenforceable. He stated that he sees pit bulls every day in his practice. Dr. Stenstrom stated that it is very difficult to identify a pit bull. He stated that the Animal Shelter Board feels that officer safety is number one; when the officers encounter a dangerous dog when they kick in a door, they should shoot the dog and continue on. Dr. Stenstrom stated that breeds should not be singled out; dangerous dogs should be identified. Commissioner Taylor inquired as to what determines what "dangerous" is. Dr. Stenstrom stated that it depends on the situation; it is a case by case basis. Commissioner Taylor asked if the number of times a dog attacks; can something be done. Chief Story stated that this type of situation is decided in Court. The Judge can determine whether an animal can be returned to its owner or not. Chief Story stated that if the Police Department is informed by a veterinarian about an animal attacking/biting people, they can act on that information. City Attorney, Katie Logan, stated that the Animal Shelter Board is saying that the ordinance is practically unenforceable because you can't identify a pit bull. Ms. Linnea Alt of the Animal Shelter Board and Friends of the Animals stated that this language mirrors the ordinance in Manhattan. She stated that the Animal Control Officer has the ability to prepare an affidavit to present to the Judge to confiscate the animal. Then the Judge can determine if the animal can be returned to the owner. The ACO can do this before anything bad happens with the animal. Ms. Alt stated that criminals are the ones who have the dangerous dogs and will have them no matter what the City ordinance states. She stated that pit bulls have been picked up because they are banned in Junction City, not because they are dangerous. Ms. Alt stated that the Animal Shelter Board is asking the City Commission to eliminate breed specific bans and adopt the dangerous dog language and let the nice animals stay. Commissioner Talley suggested discussing this at the Joint



City/County Commission meeting and invite the City and County Prosecutors to attend speak on the subject. They will be the folks who will prosecute this type of case in court. City Manager, Rod Barnes, stated that City staff can look at the enforceability of the current ordinance as well. Chief Story stated that City Prosecutor, Ralph De Zago, stated that he is not opposed to adding the dangerous dog language; however, he recommends not eliminating the pit bull language. Commissioner Talley moved, seconded by Commissioner Taylor to table this item. This item will be added for discussion to the Joint City/County Commission meeting to be held on Monday, April 27, 2009. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- p. The consideration and approval of **Resolution R-2558** to approve the holding of Regulated Sporting Events regulated by the Kansas Athletic Commission, provided that said competition be licensed by the Kansas Athletic Commission. City Attorney, Katie Logan, informed the Commission that the State of Kansas regulates certain sports (boxing, sparring, mixed martial events, etc.). Ms. Logan stated that the City Commission can enact a blanket resolution to cover all events or vote on each event as they arise. Commissioner Taylor inquired if a fee for each event could be charged. Ms. Logan stated that she thought a fee could be charged for future events per the resolution. Mr. Daniel Morris, promoter for the event that will occur in May, stated that there is a five percent ticket tax that is paid to the State of Kansas. Mr. Morris stated that the May event is an ultimate fighting event. Mr. Morris stated that he has held two other events in Junction City and has experienced only one injury; however, superficial lacerations do occur. At the December 2008 event, they had approximately 350 spectators and had eight bouts. Mr. Morris stated that he provides insurance for the venues, fighters, etc. The insurance covers the fighters for one month after the event. The participants must be 18 years old or older. There is no age limit. Physicals are also provided for the participants. Mr. Morris stated that State Inspectors attend the event and have the authority to shut down the event at any point if they feel something is inappropriate. Ms. Logan stated that the Kansas Athletic Commission is new and they were not aware that City Commissions must approve a resolution for the event; either a blanket resolution or an event by event resolution. Ms. Logan stated that the City does not have any liability because this is not a City of Junction City event; the City Commission is allowing the event to occur in the community. Mr. Morris stated that this event is an amateur event. Ms. Logan stated that the Kansas Athletic Commission does not require approval for amateur events. Mr. Morris stated that he wants to run a professional event and therefore is asking for approval even though it is not necessary. Recreation Director, Jason Haslouer, stated that the JC Boxing Club is sanctioned by Golden Gloves out of Kansas City and is strictly amateur. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve Resolution R-2558 approving the holding of Regulated Sporting Events regulated by the Kansas Athletic Commission provided that said competition is licensed by the Kansas Athletic Commission. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried four to one.
- q. The consideration and approval of an **increase to the 2009 Municipal Swimming Pool Fees** to generate revenue for future renovation projects, and eliminate abuse of family passes. Recreation Director, Jason Haslouer, informed the Commission that fees have not increased at the pool in more than five years. In the past several years, the slides and the spray park have been added to the pool. Mr. Haslouer provided a fee comparison to the Commission. He stated that the City wants to be competitive with other area pools. The increase will assist in covering the maintenance costs of the spray park. Mr. Haslouer outlined the changes to the fees.

<b>Current</b>		<b>2009 Proposal</b>	
Single Pass	\$30.00 (\$.30/day)	\$40.00 (\$.50/day)	
Family Pass	\$90.00	\$120.00 (4 people)	\$30 each additional member
Daily Pass			
Children	\$2.00/day	\$3.00/day	No re-entry
Adults	\$3.00/day	\$3.00/day	No re-entry
Swim Lessons			
	\$20.00	\$25.00	

Mr. Haslouer stated that the new RecPro software will assist the staff in preventing abuse of the family pool passes. Also, the addition of Pool Supervisors in the front check in area and the concessions will assist the pool staff. All Pool Supervisors are adults. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve an increase to the 2009 Municipal Swimming Pool Fees. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- r. The consideration and approval for **Notice of Award to Utility Service Co., Inc.** in the amount of \$134,000.00 for the Spruce Street Water Tower Painting. City Engineer, Christina Cook, stated that two bids were received (Utility Service Co., Inc. and Maguire Iron, Inc. in the amount of \$183,930. The water tower was last painted in the early 1990's for approximately \$100,000. Ms. Cook stated that the water tower will be out of service for approximately 30 days. There is enough water for adequate fire protection and daily use. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Notice of Award to Utility Service Co., Inc. in the amount of \$134,000.00 for the Spruce Street Water Tower Painting. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## COMMISSIONER COMMENTS

**Commissioner Taylor** congratulated Commissioners Rhodes and Johnson on being elected to the Commission. He thanked Mick Wunder for this service to the Commission. Commissioner Taylor thanked those who supported him in the election. He stated that he was disappointed in the voter turnout. Commissioner Taylor congratulated Mayor Heldstab and Vice Mayor Rhodes.

**Commissioner Talley** congratulated the City staff on the clean up day; it was a great event with a large turnout of volunteers. A tremendous amount of trash was collected. City Manager, Rod Barnes, stated that three tons of trash was collected on Saturday. Mr. Barnes stated that the Clean Team organized the event and has several groups volunteer as well.

**Commissioner Rhodes** congratulated Commissioners Taylor and Johnson on their election to the Commission. Commissioner Rhodes stated that he appreciates the staff and the volunteers for their participation in the clean up day. He encouraged anyone who is interested in adopting an area, to contact the City staff. Commissioner Rhodes congratulated Mayor Heldstab.

**Mayor Heldstab** congratulated Commissioners Rhodes, Taylor and Johnson on their election to the Commission. He welcomed General Brookes and his wife to the area and wished General Wiggins and his wife well in their new endeavors.

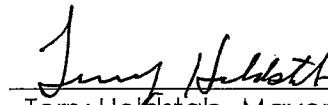
## STAFF COMMENTS

**City Manager, Rod Barnes**, stated that the Joint City/County Commission meeting will be held at the City building on Monday, April 27<sup>th</sup>. The new ambulance will be on display. Chief Steinfort will present information on the ambulance operations. Also on the agenda will be the discussion of the joint board appointments and the Animal Shelter Board recommendations. Mr. Barnes thanked the Geary County Public Works and the Friends of the Kaw for their donations of money and labor for the project.

## ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn at 9:55 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 5<sup>th</sup> DAY OF MAY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR APRIL 21, 2009.

  
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Tricia Gowen, City Clerk  
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Terry Heldstab, Mayor